

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

In the Matter of the Search Regarding 5:22-mj-193
CASE NO. _____
22-377-05 **APPLICATION FOR SEARCH AND
SEIZURE WARRANT "REDACTED"**

I, Robert L. Mertz, being duly sworn depose and say:

I am a Special Agent with the Federal Bureau of Investigation and have reason to believe that within the property fully described in Attachment A, there is now concealed certain records, which I believe is data and information constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses concerning violations of 18 U.S.C. §§ 1201(a)(5) and 2 (kidnapping), 18 U.S.C. §§ 2119(1) and 2 (carjacking), and 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (use and brandishing a firearm during the commission of crime of violence), as set forth in Attachment B.

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.


Robert L. Mertz, Special Agent
Federal Bureau of Investigation

Sworn to before me and:

- ☐ signed in my presence
☒ submitted, attested to, and acknowledged by reliable electronic means

this 27th day of September, 2022.


DANETA WOLLMANN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

5:22-mj-193

In the Matter of the Search Regarding
22-377-05

Case No. _____

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH
WARRANT "REDACTED"**

I, Special Agent Robert L. Mertz, being duly sworn, depose and state that:

INTRODUCTION

1. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2002. I am currently assigned to the Sioux Falls Resident Agency, Sioux Falls, South Dakota. My responsibilities include the investigation of possible violations of federal law, to include carjacking, firearms offenses, and other violent crime violations. During my career, my investigations have included the use of various surveillance techniques and the execution of various search, seizure, and arrest warrants.

PURPOSE OF AFFIDAVIT

2. Through this affidavit, I am requesting a search warrant be issued for all contents and electronically stored information of and within the following property, currently located at the Sioux Falls FBI Office:

- a) Samsung cellular telephone, IMEI 35021492--81533, (See Attachment A: the 9th and 10th numbers appear to be scratched off; Attachment A is incorporated herein and adopted by reference).

3. As described more fully below, I respectfully submit there is probable cause to believe that the cell phone described in this affidavit contains information that constitutes evidence, fruits, and/or instrumentalities of criminal violations of 18 U.S.C. §§ 1201(a)(5) and 2 (kidnapping), 18 U.S.C. §§ 2119(1) and 2 (carjacking), 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (use and brandishing a firearm during the commission of crime of violence), and 8 U.S.C. §§ 1326(a) (unlawful reentry after deportation).

4. I submit this affidavit in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 to search the mobile phone believed to be owned by [REDACTED]
[REDACTED]
[REDACTED]

5. Based on my training and experience, as well as the facts set forth in this affidavit, there is probable cause to believe that possible violations of 18 U.S.C. §§ 1201(a)(5) and 2 (kidnapping), 18 U.S.C. §§ 2119(1) and 2 (carjacking), and 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (use and brandishing a firearm during the commission of crime of violence) and 8 U.S.C. §§ 1326(a) (unlawful reentry after deportation) have been witnessed and/or committed by [REDACTED]
[REDACTED]

PROBABLE CAUSE

6.

[REDACTED]

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

[REDACTED]

11.

[REDACTED]

[REDACTED]

12.

[REDACTED]

13.

[REDACTED]

14.

[REDACTED]

15.

[REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23. [REDACTED]

[REDACTED]

24. For reasons listed above, I believe the Target Mobile Phone was utilized by [REDACTED] who is associated with and/or a witness to the armed carjacking and kidnapping outlined above, specifically in violation of 18 U.S.C. §§ 1201(a)(5) and 2 (kidnapping), 18 U.S.C. §§ 2119(1) and 2 (carjacking), and 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (use and brandishing a firearm during the commission of crime of violence).

25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

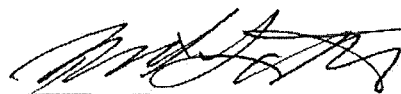
[REDACTED]

[REDACTED]

AUTHORIZATION REQUEST

26. Based on the foregoing, I believe there is probable cause to believe that the Target Mobile Phone was being utilized and possessed by [REDACTED] [REDACTED]. Because of this, I further believe there is probable cause that the information contained in the identified mobile phone is relevant to an ongoing investigation involving the possible violation of 18 U.S.C. §§ 1201(a)(5) and 2 (kidnapping), 18 U.S.C. §§ 2119(1) and 2 (carjacking), and 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (use and brandishing a firearm during the commission of crime of violence).

27. I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41.



Robert L. Mertz, Special Agent
Federal Bureau of Investigation

Sworn to before me and:

- ☐ signed in my presence.
☒ submitted, attested to, and acknowledged by reliable electronic means.

this 27th day of September, 2022.

A handwritten signature in blue ink, appearing to read "Daneta Wollmann", written over a horizontal line.

DANETA WOLLMANN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

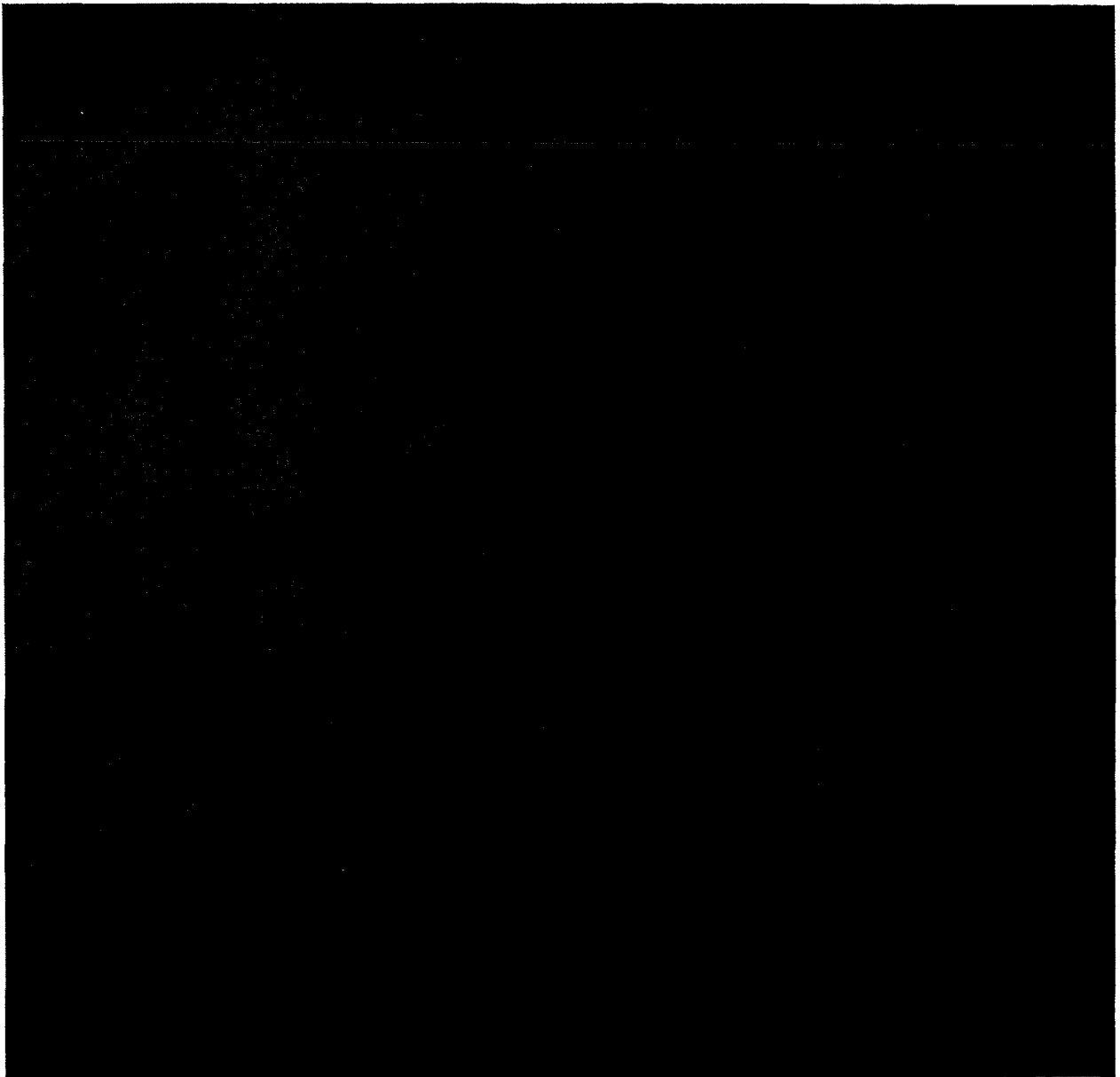
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ATTACHMENT A "REDACTED"

Property to be searched



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

In the Matter of the Search Regarding

No. _____

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ATTACHMENT B "REDACTED"

Case 5:22-cr-50084-JLV Document 74 Filed 08/18/22 Page 1 of 3 PageID #: 233

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 22-50084-JLV

Plaintiff,

REDACTED SUPERSEDING
INDICTMENT

vs.

Kidnapping
(18 U.S.C. §§ 1201(a)(5) and 2)

JUAN FRANCISCO ALVAREZ-SORTO,
a/k/a Juan Francisco Alvarez,
a/k/a "Juanito R.,"
a/k/a "Juan Jr.,"

Carjacking
(18 U.S.C. §§ 2119(1) and 2)

DEYVIN MORALES,
a/k/a Deyvin Eliabid Escriba Morales,
a/k/a Deybi Eleabit Escriba Morales,
a/k/a "Guate,"
a/k/a "Watay,"
a/k/a "Chapine," and

Use, Carry, and Brandish
a Firearm During and in Relation
to a Crime of Violence
(18 U.S.C. §§ 924(c)(1)(A)(ii) and 2)

KARLA ALEJANDRA LOPEZ-GUTIERREZ,
a/k/a "Karla A. Vigil,"

Unlawful Reentry After Deportation
(8 U.S.C. § 1326(a))

Defendants.

The Grand Jury charges:

COUNT 1

On or about May 6, 2022, near Red Shirt, in the District of South Dakota, the Defendants, Juan Francisco Alvarez-Sorto, a/k/a Juan Francisco Alvarez, a/k/a "Juanito R.," a/k/a "Juan Jr.," Deyvin Morales, a/k/a Deyvin Eliabid Escriba Morales, a/k/a Deybi Eleabit Escriba Morales, a/k/a "Guate," a/k/a "Watay," a/k/a "Chapine," and Karla Alejandra Lopez-Gutierrez, a/k/a "Karla A. Vigil," did willfully and knowingly seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise, Federal Bureau of Investigation Victim Specialist Curt Lauinger, while Victim Specialist

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Lauinger was employed by and engaged in the performance of his official duties with the Federal Bureau of Investigation, and did aid and abet each other, all in violation of 18 U.S.C. §§ 1201(a)(5) and 2.

COUNT 2

On or about May 6, 2022, in the District of South Dakota, the Defendants, Juan Francisco Alvarez-Sorto, a/k/a Juan Francisco Alvarez, a/k/a "Juanito R.," a/k/a "Juan Jr.," Deyvin Morales, a/k/a Deyvin Eliabid Escriba Morales, a/k/a Deybi Eleabit Escriba Morales, a/k/a "Guate," a/k/a "Watay," a/k/a "Chapine," and Karla Alejandra Lopez-Gutierrez, a/k/a "Karla A. Vigil," did knowingly, with intent to cause death and serious bodily harm, take a motor vehicle, namely a Dodge Durango, bearing South Dakota license plate 9B5055, that had been previously transported in interstate commerce, from the person and presence of another by force and violence and by intimidation, and did aid and abet each other, all in violation of 18 U.S.C. §§ 2119(1) and 2.

COUNT 3

On or about May 6, 2022, in the District of South Dakota, the Defendants, Juan Francisco Alvarez-Sorto, a/k/a Juan Francisco Alvarez, a/k/a "Juanito R.," a/k/a "Juan Jr.," Deyvin Morales, a/k/a Deyvin Eliabid Escriba Morales, a/k/a Deybi Eleabit Escriba Morales, a/k/a "Guate," a/k/a "Watay," a/k/a "Chapine," and Karla Alejandra Lopez-Gutierrez, a/k/a "Karla A. Vigil," did, during and in relation to a crime of violence for which each may be prosecuted in a court of the United States, to wit, Carjacking, in violation of 18 U.S.C. §§ 2119(1) and 2, as charged in Count 2 of this Superseding Indictment, knowingly

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used, carried, and brandished a firearm, that is a rifle, and did aid and abet each other, all in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2.

COUNT 4

On or about May 13, 2022, in the District of South Dakota, the Defendant, Francisco Alvarez-Sorto, a/k/a Juan Francisco Alvarez, a/k/a "Juanito R.," a/k/a "Juan Jr.," an alien, after having been previously deported from the United States on or about July 21, 2017, at Alexandria, Louisiana, was found in the United States, in the District of South Dakota, said Defendant having not obtained the consent of the Secretary of the United States Department of Homeland Security and the Attorney General of the United States to apply for lawful admission into the United States, all in violation of 8 U.S.C. § 1326(a).

A TRUE BILL:

NAME REDACTED

FOREPERSON

ALISON J. RAMSDELL
United States Attorney

By:  _____

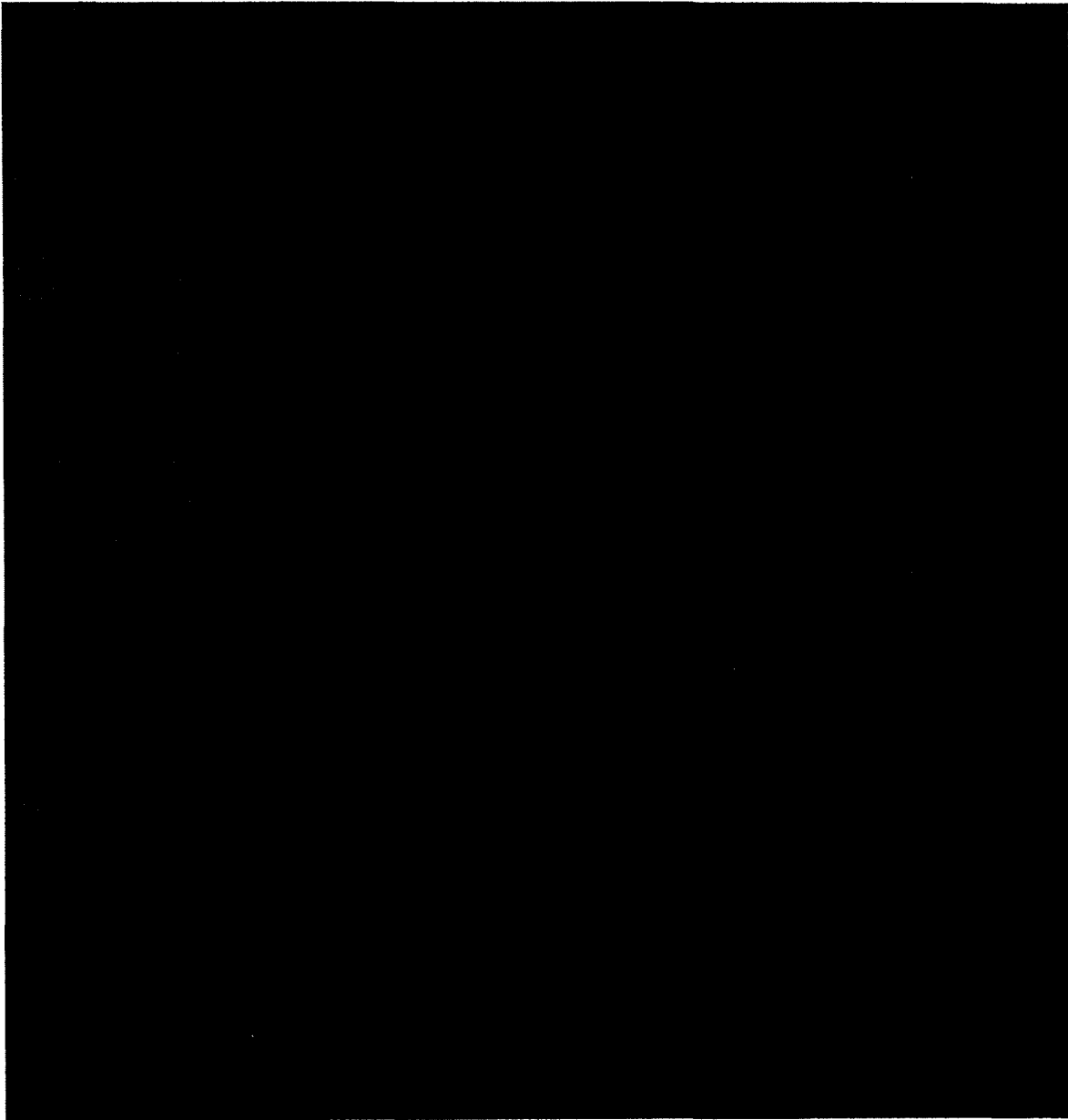
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

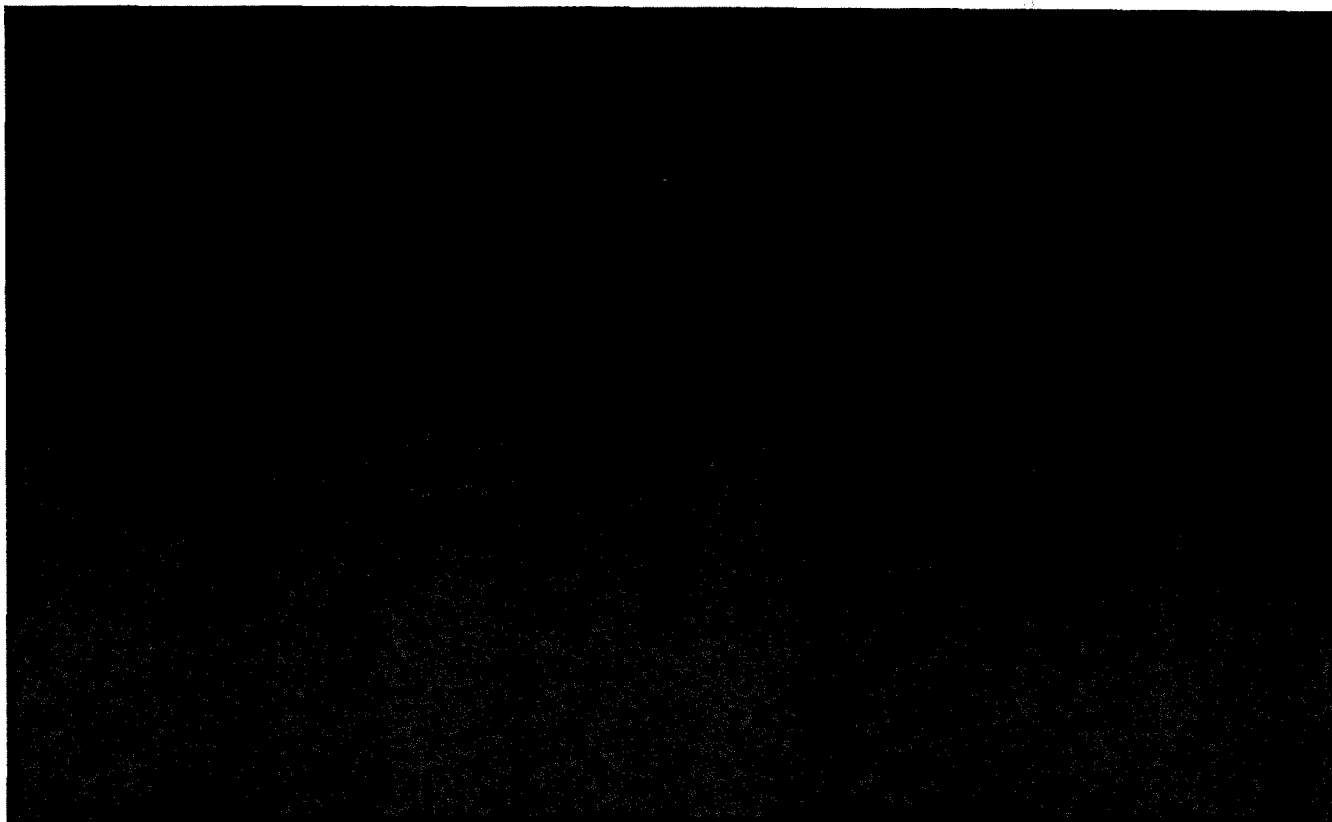
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22-377-05

ATTACHMENT C "REDACTED"





UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

5:22-mj-193

In the Matter of the Search Regarding CASE NO. _____

22-377-05

SEARCH AND SEIZURE WARRANT
"REDACTED"

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of records fully described in Attachment A.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses concerning violations of 18 U.S.C. §§ 1201(a)(5) and 2 (kidnapping), 18 U.S.C. §§ 2119(1) and 2 (carjacking), and 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (use and brandishing a firearm during the commission of crime of violence), as fully described in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before
Oct 10, 2022 (not to exceed 14 days)

☒ in the daytime - 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.


The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,

☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of _____.

9-27-22 9:00m at Rapid City, South Dakota
Date and Time Issued



DANETA WOLLMANN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

In the Matter of the Search Regarding CASE NO. 5:22-mj-193
22-377-05 **RETURN "REDACTED"**

Date and time warrant executed: _____

Copy of warrant and inventory left with: _____

Inventory made in the presence of: _____

Inventory of the property taken and name of any person(s) seized (attach additional sheets, if necessary):

<p style="text-align: center;">CERTIFICATION</p>
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>
<p style="text-align: right;">_____ Robert L. Mertz, Special Agent Federal Bureau of Investigation</p>